

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel.)	
RONALD KLINER,)	
)	
Petitioner,)	
)	
v.)	No. 08 C 3134
)	
TERRY MCCANN, Warden,)	The Honorable
)	John W. Darrah,
Respondent.)	Judge Presiding.

MOTION FOR EXTENSION OF TIME

Respondent TERRY MCCANN, Warden of Stateville Correctional Center, hereby moves this Honorable Court for a fourteen (14) day extension of time to answer or otherwise plead to the instant petition for writ of habeas corpus, from August 23, 2008, to and including September 6, 2008. An affidavit supporting this motion is attached.

August 19, 2008

Respectfully submitted,

LISA MADIGAN
Attorney General of Illinois

By: s/ Garson Fischer
GARSON FISCHER, Bar # 6286165
Assistant Attorney General
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State of Illinois)
) SS.
County of Cook)

A F F I D A V I T

GARSON FISCHER, being first duly sworn upon oath, deposes and states as follows:

1. That I am the Assistant Illinois Attorney General assigned to handle this matter.
2. That petitioner filed the instant habeas petition on May 30, 2008.
3. That respondent's response is currently due on or before August 23, 2008.
4. That despite due diligence, your affiant will be unable to file a response on behalf of respondent by August 23, 2008.
5. That this is respondent's third, and final, request for an extension of time to answer or otherwise plead to the instant petition for writ of habeas corpus.
6. That your affiant has missed extensive work time since July 24, 2008 due to an on-going medical emergency involving affiant's wife. That emergency has been resolved following surgery on August 15, 2008.
7. That your affiant also has primary responsibility for the following matters:
 - *People v. Ross*, 91 CR 22976, Circuit Court of Cook County;
 - *People v. Grant*, 96 CF 234, Circuit Court of Kankakee County; and
 - *Wahiid v. McCann*, 08 C 637, United States District Court for the Northern District of Illinois.

8. Due to budget and personnel cuts, no other Assistant Illinois Attorney General was available to handle this matter. The Criminal Appeals division's staff has been reduced by five attorneys, and the office is subject to a hiring freeze.

9. That this motion is not for purposes of delay, but is being made solely to ensure that respondent's interests are adequately protected.

10. That respondent respectfully request that this Honorable Court grant his fourteen (14) day motion for an extension of time to and including September 6, 2008, within which to file his answer or otherwise plead to the instant petition for writ of habeas corpus.

FURTHER AFFIANT SAYETH NOT.

/s/ Garson Fischer

GARSON FISCHER

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2008, I electronically filed respondent's **Motion for an Extension of Time** with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the CM/ECF system, which will send electronic notice to the following registered party, counsel for petitioner:

Jonathan I. Loevy
The Exoneration Project
6020 South University Avenue
Chicago, Illinois 60637.

LISA MADIGAN
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